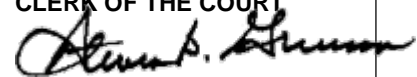


EXHIBIT A

EXHIBIT A

**COMP****PAUL R.M. CULLEN, ESQ.**

Nevada Bar No. 12355

LINDSAY K. CULLEN, ESQ.

Nevada Bar No. 12364

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Attorneys for Plaintiff

CASE NO: A-20-818775-C

Department 32

DISTRICT COURT**CLARK COUNTY, NEVADA**

* * *

CAROL LAMB, individually; ROBERT LAMB,
individually;CASE NO.:
DEPT. NO.:

Plaintiffs,

COMPLAINT

vs.

FEDEX OFFICE AND PRINT SERVICES,
INC., a Delaware foreign corporation, d/b/a
FEDEX OFFICE PRINT & SHIP CENTER;
MAGGIE BAILEY, individually; DOES I
through XX, inclusive, and ROE BUSINESS
ENTITIES I through XX, inclusive,

Defendants.

COME NOW Plaintiffs, CAROL LAMB and ROBERT LAMB by and through their attorneys of record, PAUL R.M. CULLEN, ESQ., and LINDSAY K. CULLEN, ESQ., of the law firm of BERTOLDO BAKER CARTER & SMITH, and for their claims of relief against the Defendants, and each of them, alleges and complains as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Plaintiff CAROL LAMB was at all times pertinent hereto, and still is, a resident of Clark County, State of Nevada.

2. Plaintiff ROBERT LAMB was at all times pertinent hereto, and still is, a resident of Clark County, State of Nevada.

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3. Defendant FEDEX OFFICE AND PRINT SERVICES, INC. (“FEDEX”), a foreign corporation, was at all times pertinent hereto, and still is, doing business as FEDEX OFFICE PRINT & SHIP CENTER and was, and still is, a foreign corporation duly authorized, qualified and regularly conducting business within the County of Clark, State of Nevada.

4. Defendant MAGGIE BAILEY, at all times pertinent hereto, was and still is, a resident of Clark County, State of Nevada.

5. Venue is proper here in that the facts and circumstances that give rise to the subject lawsuit occurred in Clark County, Nevada, at FedEx Office Print & Ship Center, located at 6090 West Craig Rd., Las Vegas, Nevada 89130, and this Court has subject matter jurisdiction pursuant to NRS 4.370(1), as the matter in controversy exceeds \$15,000.00 exclusive of attorney’s fees, interest, and costs.

6. The true names and capacities of Defendants designated as DOES I through XX, inclusive, and ROE BUSINESS ENTITIES I through XX, inclusive, are presently unknown to Plaintiff who, therefore, designates said Defendants by said fictitious names. Defendants designated as DOES I through X, inclusive, and/or ROE BUSINESS ENTITIES I through X, inclusive, are owners, operators, lessors, lessees, and/or other individuals and/or agencies within possession and control of the certain premises as alleged herein, specifically the FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER located at 6090 West Craig Rd., Las Vegas, Nevada 89130, are employers, employees, agents, principals, persons hiring, persons supervising, persons retaining, and/or persons otherwise controlling Defendant FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER as alleged herein, and/or are individuals and/or agencies otherwise responsible for the care, cleaning, maintenance, and/or inspection of the flooring and walkways, and/or placing objects, equipment or other items out of the walkway, pathway or other area of the store for patrons, including Plaintiffs, and/or keeping the flooring, walkways, pathways and counter areas free and clear of debris, carts, objects and other items that cause obstruction. Defendants designated as DOES XI through XX, inclusive, and/or ROE BUSINESS ENTITIES XI through XX, inclusive, are employers, supervisors, principals, contractors, third-party providers, directors, and/or entities

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otherwise in ownership, supervision, training, retention and control of Defendant FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER as alleged herein, and/or any individual and/or agency, maintaining, controlling, monitoring, inspecting, and/or otherwise responsible for allowing a dangerous condition to remain on the premises as alleged, and/or are alter egos, subsidiaries, DBAs, parents, principals, owners in whole or in part, predecessors in interest, successors in interest, stock holders, and/or entities otherwise holding, owning, sharing, possessing, and/or acquiring an interest in any named and/or DOE and ROE Defendant as alleged herein. Plaintiffs will seek leave to amend the present Complaint when the true names and capacities of said DOE and ROE Defendants become known.

7. At all times mentioned herein, and particularly on or about July 31, 2018, Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, and each of them, owned, operated, maintained, and controlled the FEDEX OFFICE PRINT & SHIP CENTER located at 6090 West Craig Road, Las Vegas, Nevada, 89130.

8. At all times mentioned herein, and particularly on or about July 31, 2018, Defendant MAGGIE BAILEY, was an employee and acting within the course and scope of her employment with Defendants FEDEX, Does 1 through XX, Roe Business Entities I though XX and each of them.

9. At all times mentioned herein, and particularly on or about July 31, 2018, Plaintiff CAROL LAMB and her husband ROBERT LAMB were guests and/or invitees on the FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER premises, located at 6090 West Craig Road, Las Vegas, Nevada, 89130.

10. On or about July 31, 2018, Plaintiff CAROL LAMB was instructed by an employee of Defendant FEDEX to go around the counter, wherein she tripped over a cart that was on the ground and obstructed from her view and fell to the ground.

11. Plaintiff CAROL LAMB suffered serious injuries as a direct result of the fall.

12. The fall was a direct and proximate result of a dangerous condition existing within said premises, thereby causing the severe injuries and damages alleged herein.

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1 13. At said time and place, an unreasonably dangerous condition was concealed and/or,
2 existed within said premises, that was and is, owned, operated, maintained, and controlled by
3 Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP
4 CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, and each of them,
5 creating a foreseeable risk of harm to individuals within the said premises and, in particular, to
6 Plaintiff CAROL LAMB.

7 14. At said time and place, Defendant MAGGIE BAILEY, the store manager of
8 Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP
9 CENTER, DOES I through XX, and each of them, ROE BUSINESS ENTITIES I through XX, and
10 each of them, admitted fault for FEDEX's failure to properly and safely secure a dangerous
11 condition on its premises, to include the cart being left in an area where a patron, guest or invitee
12 could trip on it.

13 15. At said time and place, Defendant MAGGIE BAILEY, manager of the FEDEX store
14 located at 6090 West Craig Road, Las Vegas, Nevada, 89130, stated to Plaintiffs CAROL and
15 ROBERT LAMB, that "someone was going to get in trouble" for leaving the cart in a in the
16 pathway where Plaintiff CAROL LAMB fell and suffered serious injuries.

17 16. At all times pertinent hereto, Defendants FEDEX OFFICE AND PRINT
18 SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, and each
19 of them, ROE BUSINESS ENTITIES I through XX, and each of them, were acting as principals,
20 agents, employees, joint-venturers, non-delegable service providers, and/or assigns of each and
21 every one of the other said Defendants.

22 17. Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE
23 PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, and
24 each of them, are vicariously, contractually, legally, jointly and severally, and/or otherwise liable
25 for the acts and omissions of each other and of each and every other Defendant as alleged herein.

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FIRST CAUSE OF ACTION

(Negligence, Defendants, FEDEX OFFICE AND PRINT SERVICES, INC., doing business as FEDEX OFFICE PRINT & SHIP CENTER, MAGGIE BAILEY, DOES I through XX, and ROE BUSINESS ENTITIES I through XX)

18. Plaintiffs reallege and replead each and every allegation of the preceding paragraphs as fully set forth hereunder.

19. That on or about July 31, 2018, and at all times relevant hereto, Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX and/or ROE BUSINESS ENTITIES I through XX named herein, MAGGIE BAILEY and each of them, had a duty to own, operate, maintain, monitor, control, inspect, supervise, train employees, and otherwise care for the aforesaid premises in a safe and reasonable manner, one not constituting and/or creating a foreseeable risk of harm to others upon said premises, in particular to Plaintiff CAROL LAMB, and to warn of and/or repair dangerous conditions upon the premises of which they knew or should have known.

20. That at such time and place, Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, negligently, carelessly, and in breach of said duty of care owned, operated, monitored, maintained, controlled, supervised, trained employees and inspected the aforesaid premises so as to cause and/or allow a concealed object and/or obstruction to exist within said premises, and/or to cause and/or allow a dangerous condition to exist upon the floor of the premises, thereby creating a foreseeable dangerous condition about which they knew or should have known.

21. No warnings were placed or communicated by Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY, or any of them, giving notice of said dangerous condition to individuals upon the premises, in particular to Plaintiff CAROL LAMB.

22. That as a direct and proximate result of the aforesaid negligence and carelessness on the part of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX,

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MAGGIE BAILEY and each of them, Plaintiff CAROL LAMB tripped and fell upon, and because of said dangerous condition, impacting the floor with great force, thereby causing the serious injuries and damages complained of herein.

23. That as a direct and proximate result of the negligence and carelessness on the part of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, Plaintiff CAROL LAMB was injured in her health, strength and activity, sustained injury to her body and shock and injury to her nervous system and person, all of which have caused and will continue to cause Plaintiff CAROL LAMB physical, mental and nervous pain and suffering.

24. That as a direct and proximate result of the negligence and carelessness on the part of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, Plaintiff CAROL LAMB has incurred and continues to incur, medical expenses, possible future medical expenses, and loss of enjoyment of life, all to Plaintiff's general damages in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

25. As result of the aforesaid negligent actions and omissions of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, it has been necessary for the Plaintiffs to retain the law firm of BERTOLDO, BAKER, CARTER, & SMITH, to prosecute this action, and Plaintiffs are therefore entitled to recover reasonable attorney's fees and costs.

SECOND CAUSE OF ACTION

Negligent Hiring, Training, Supervision, and/or Retention of Defendants FEDEX OFFICE AND PRINT SERVICES, INC., doing business as FEDEX OFFICE PRINT & SHIP CENTER, MAGGIE BAILEY, DOES I through XX and ROE BUSINESS ENTITIES I through XX

26. Plaintiffs reallege and replead each and every allegation of the preceding paragraphs as though fully set forth hereunder.

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27. At all times pertinent hereto, of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, had a duty to adequately and reasonably hire, train, supervise, and retain their agents, employees, and/or assigns, DOES I through XX, ROE BUSINESS ENTITIES I through XX, and each of them, so as to ensure that their agents, employees, and assigns, DOES I through XX, ROE BUSINESS ENTITIES I through XX, and each of them, acted in a manner that did not create a foreseeable risk of harm to others, in particular to Plaintiff CAROL LAMB.

28. At all times pertinent hereto, particularly on or about July 31, 2018, of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, negligently, carelessly, and in breach of said duty(ies) failed and neglected to adequately and reasonably hire, train, supervise, and retain their agents, employees, and/or assigns including, but not limited to, each other and DOES I through XX, ROE BUSINESS ENTITIES I through XX, and each of them, by, but not limited to the following: 1) failing to hire individuals and/or entities capable of reasonably and adequately keeping the premises free of dangerous conditions; 2) failing to train such individuals and/or entities in proper and effective methods of identifying, removing, and or warning of hazardous conditions in the store where customers such as Plaintiff could encounter them; 3) failing to create, distribute, implement and train on adequate and reasonable policies for keeping its floors, aisles, pathways, and walkways free of dangerous conditions; 4) failing to reasonably and adequately instruct, train, implement and otherwise create, distribute, and implement policies and procedures regarding warnings of dangerous conditions; 5) failing to adopt, implement, train and instruct regarding proper and correct measures with respect to investigating, documenting, and identifying dangerous conditions and/or injuries resulting therefrom; 6) and by continuing the employment and/or agency otherwise of such individuals and/or entities when said Defendants, and each of them, knew and/or should have known of their, and each of their, lack of competence and/or requisite skill.

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29. As a direct and proximate result of said negligent hiring, training, supervision, and retention on the part of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, Plaintiff CAROL LAMB tripped and fell upon a cart left in a dangerous location, in particular in the pathway of unsuspecting patrons, including Plaintiff CAROL LAMB, and because of said dangerous condition, impacting the floor with great force, thereby causing the severe injuries and damages complained of herein.

30. As a direct and proximate result of the aforesaid negligent hiring, training, supervision, and retention on the part of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, Plaintiff CAROL LAMB was injured in her health, strength and activity, sustained injury to her body and shock and injury to her nervous system and person, all of which caused her physical, mental and nervous pain and suffering.

31. As a direct and proximate result of the aforesaid negligent hiring, training, supervision, and retention on the part of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, Plaintiff CAROL LAMB incurred medical expenses, all to general and special damages in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

32. As result of the aforesaid negligent actions and omissions of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, it has been necessary for the Plaintiffs to retain the law firm of BERTOLDO, BAKER, CARTER, & SMITH, to prosecute this action, and Plaintiffs are therefore entitled to recover reasonable attorney's fees and costs.

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THIRD CAUSE OF ACTION

(Loss Of Consortium – Defendants FEDEX OFFICE AND PRINT SERVICES, INC., doing business as FEDEX OFFICE PRINT & SHIP CENTER, MAGGIE BAILEY, DOES I through XX and ROE BUSINESS ENTITIES I through XX)

33. Plaintiffs reallege and replead each and every allegation of the preceding paragraphs as fully set forth hereunder.

34. At times pertinent hereto, Plaintiffs CAROL LAMB and ROBERT LAMB were, and still are, husband and wife.

35. That as a direct and proximate result of the negligence, carelessness and/or recklessness of Defendants, and each of them, Plaintiff ROBERT LAMB has lost, and will continue to lose, the care, comfort, support, consortium and society of his wife, Plaintiff Carol Lamb.

36. That as a direct and proximate result of the negligence, carelessness and recklessness of Defendants, and each of them, it has been necessary for Plaintiffs to retain the law firm of BERTOLDO, BAKER, CARTER & SMITH to prosecute this action, and Plaintiffs are therefore entitled to recover reasonable attorney's fees and costs.

WHEREFORE, Plaintiffs pray for judgment against the Defendants, and each of them, as follows:

FOR EACH AND EVERY CAUSE OF ACTION

1. For past and future general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. Special damages in an amount to be determined at time of trial;
3. Reasonable attorney fees, pre and post-judgment interest, and costs of suit; and
4. Such other and further relief as the Court may deem just and proper.

DATED this 29th day of July, 2020.

BERTOLDO BAKER CARTER & SMITH

/s/ Paul R.M. Cullen, Esq.
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